DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB−1294/2dn
PJK:jld:rs

March 29, 2005

1. If you would like changes to the draft, it is really much easier for me, and more reliable for you, if you mark up a hard copy. If you send me a copy in Word with the changes highlighted in color, I have to print out a copy (with no color), visually compare the printed copy with the version on my computer screen so that I can mark up the copy that I have printed, indicating where I see color on the copy on my computer screen (hoping that I have caught everything), and then visually compare the copy that I have marked up with the copy of the draft to be redrafted.

2. I would prefer not to change the term "virtual *parent time*" to "virtual *visitation*." In Wisconsin before 1988, a parent had "visitation" with his or her child after a divorce. Since 1988, however, the term "physical placement" has been used to mean the time that a child spends with a parent, and the term "visitation" has been used for the time that a child spends with a person who is not a parent, such as a grandparent. (There are some exceptions in the statutes, but they are more errors than intentional usages.) It would be inconsistent and confusing to go back to the pre−1988 use of the term "visitation" with respect to a parent. If you are strongly opposed to using the term "virtual parent time," is there another term, other than "visitation," that could be used instead?

3. Note that s. 767.23 (1) (am) does not have to be amended further because physical placement, including virtual parent time, must be granted in a manner consistent with s. 767.24. Since temporary orders under s. 767.23 must be consistent with final orders under s. 767.24, the requirements under s. 767.24 generally are not reiterated in s. 767.23.

4. I did not add the suggested language to the end of s. 767.24 (4) (e). I believe it is redundant of s. 767.24 (4) (a) and (b). Additionally, it should not be necessary to state that the purpose of virtual parent time is to increase the child's access to each parent after a divorce. That is self−evident. Normally, a statutory provision does not explicitly include its purpose.

5. Proposed s. 767.327 (5m) (b) is drafted differently from the suggested language because, technically, the court does not "allow" a move. If a parent proposes a move and the other parent objects, the court may modify custody or physical placement or may deny the move.

I limited proposed s. 767.327 (5m) (b) to a determination under s. 767.327 (3) (c) because the suggested language addressed only a court's "decision to allow a parent

with physical placement of the child to move the residence of the child away from the other parent," and not a court's decision to modify legal custody or physical placement under s. 767.327 (3) (a) or (b). This limitation may not have been what you intended.

6. I changed the initial applicability provision so that the requirement to include in parenting plans information about the availability of equipment for providing virtual parent time first applies to parenting plans filed on the effective date. I'm sure that any parenting plan already filed can be amended to include that information if a party wishes. Alternatively, the judge or court commissioner could just ask the parties for the information if it becomes an issue. Providing that information in a parenting plan has nothing to do with whether the court may order virtual parent time in a temporary or final order. The purpose of the initial applicability provision is to clarify when parenting plans are *required* to include that information.

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